



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

November 18, 2020

Via Email

Eric Jantz
Staff Attorney
New Mexico Environmental Law Center
1405 Luisa Street, Suite 5
Santa Fe, NM 87505
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Juan Reynosa
Deputy Director
Southwest Organizing Project
211 Tenth Street, S.W.
Albuquerque, New Mexico 87102
juan@swop.net

Re: Informal Resolution for EPA Complaint No. 13R-14-R6

Dear Mr. Jantz and Mr. Reynosa:

On October 16, 2020, EPA notified you that the Alternative Dispute Resolution process involving you and recipients in EPA Complaint No. 13R-14-R6 had concluded without resolution, and that EPA was resuming its investigation of this complaint. EPA explained that, according to its nondiscrimination regulation at 40 C.F.R. Parts 5 and 7, EPA shall attempt to resolve complaints informally whenever possible,¹ and that the External Civil Rights Compliance Office (ECRCO) would contact recipients to provide information about ECRCO's complaint process and to offer the informal resolution agreement process to them as a potential path for resolution of the issues which ECRCO has accepted for investigation.

Accordingly, during a virtual meeting on November 4, 2020, the process of developing and

¹ 40 C.F.R. § 7.120(d)(2)(i) (ECRCO "shall attempt to resolve complaints informally whenever possible"). *See also* 40 C.F.R. § 7.105 (EPA "shall seek the cooperation of applicants and recipients in securing compliance with" 40 C.F.R. Part 7); § 7.130(a) (EPA may terminate financial assistance "if compliance with this part cannot be assured by informal means"); and § 7.130(b) (EPA shall make a finding of noncompliance if it determines the recipient is in noncompliance and "if compliance cannot be achieved voluntarily").

executing an Informal Resolution Agreement (IRA) was described to the City of Albuquerque Environmental Health Department (EHD)² and the Albuquerque-Bernalillo County Air Quality Control Board. On November 9, 2020, EHD informed EPA via email that EHD has formally agreed to enter into the IRA process with EPA³. ECRCO, therefore, will suspend its investigation with regard to EHD for the duration of the IRA process. ECRCO will ensure that this process occurs without undue delay.

If the informal resolution process fails to result in an IRA between ECRCO and EHD, ECRCO will notify you that ECRCO has resumed its investigation with regard to EHD and will issue preliminary findings without undue delay. During the IRA process, our office will continue to communicate with you and provide updates on status and may seek additional information from you to assist us in the resolution of this complaint.

If you have any questions about this letter, please feel free to contact Mahri Monson, Case Manager in EPA's External Civil Rights Compliance Office, who can be reached at (202) 564-2657, or monson.mahri@epa.gov.

Sincerely,



Lilian S. Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel
U.S. Environmental Protection Agency

Cc: Angelia Talbert-Duarte
Associate General Counsel
Civil Rights & Finance Law Office

David Gray
Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 6

James McGuire
Regional Counsel
U.S. EPA Region 6

² Albuquerque's Air Quality Division identified in the complaint acceptance letter is a sub-component of the Albuquerque Environmental Health Department.

³ EPA is still awaiting a decision from the Albuquerque-Bernalillo County Air Quality Control Board as to whether they will also enter into the IRA process with EPA.